IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28383 of 2008
SHANKAR CHAUDHARY @ LEDWA
Versus
STATE OF BIHAR
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3. **3.9.2008** Heard.

The theft was committed in the godown of a company and properties of various nature as detailed in the FIR taken away, The godown was broken into and then burglary was committed in the house. Some part of the stolen articles were recovered from the house of the petitioner allegedly on account of the statement of a co-accused leading to recovery.

The contention is that the petitioner is a person who earn daily wage and remains outside and could not know who had kept the properties inside it and that the seizure memo was not handed over to him. The further contention is that the petitioner is in custody since 9.3.2008 and bears a fair antecedent.

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As regards the first contention, the place from where the properties were recovered, itself could be sufficient indicator of the knowledge about the concealment of the properties. The legal requirement is not that the petitioner could be signing the seizure memo which has been signed by some respectable independent persons. As regards the plea of alibi, there is no proof on that account.

Petition is dismissed.

(Dharnidhar Jha, J.)

B.Kr.